IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9479 OF 2004

Gulistan Coop.Housing Society .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

Mr.R.D.Suryavanshi for petitioner
Mr.R.D.Rane, A.G.P. for State.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.
DATE : 10TH DECEMBER 2004.

P.C.

. Heard Advocates.

2. The plot in question is owned by MHADA. In the meeting held in May 2003 it was decided that MHADA should prepare a plotted scheme in the said land. By letter dated 17th December 2003, MHADA submitted to the State Government a scheme for construction of 11 MIG tenaments was initially viable. In the meeting which was held in the month of January 2004 in the presence of Housing Minister for State, it was resolved that

MHADA should go ahead with the scheme for construction of 11 MIG tenaments. It appears that thereafter, petitioner society vide letters dated 19th August 2004 and 1st September 2004 directed MHADA to hear petitioner society. Since MHADA has already taken housing project for construction of 11 MIG tenaments and since, there was no provision for giving hearing, it was accordingly communicated to Government vide letter dated 24th August 2004.

3. There is no provision to make allotment directly to society and land belonging to MHADA is required to be disposed of in accordance with the provisions of MHADA (Disposal of Lands) Rules, 1981 and MHADA (Disposal of Lands) Regulations, 1982. Therefore, the prayer of petitioner society to allot the land to the petitioner is totally misconceived. In any event, in view of the decision taken by MHADA to develop the property for construction of 11 MIG tenaments, the question of entertaining any application from private parties do not arise.

4. Petition is, therefore, dismissed.

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